

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jackie Manginelli	Team: Squad #10	CCRB Case #: 201907687	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/28/2019 5:30 PM	Location of Incident: Jamaica Avenue and 204th Street	Precinct: 103	18 Mo. SOL 2/28/2021	EO SOL 10/15/2021	
Date/Time CV Reported Thu, 08/29/2019 8:23 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/29/2019 8:23 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Giglia	15102	955949	103 PCT
2. POM Timothy Slevin	12519	956268	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Giglia	Abuse: Police Officer John Giglia threatened to seize § 87(2)(b)'s property.	§ 87(2)(g)
B.POM John Giglia	Discourtesy: Police Officer John Giglia acted discourteously toward § 87(2)(b)	§ 87(2)(g)
§ 87(2)(b), § 87(4-b)	§ 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(4-b), § 87(2)(b)	§ 87(4-b)	§ 87(2)(g), § 87(4-b)

### Case Summary

On August 29, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On August 28, 2019, at approximately 5:30 p.m., § 87(2)(b) was inside of his camper, which was parked southeast-bound at the dead-end of 204<sup>th</sup> Street off Jamaica Avenue in Queens. § 87(2)(b) looked through the front facing camera on his camper, and noticed two police officers, PO John Giglia and PO Timothy Slevin, both of the 103<sup>rd</sup> Precinct, approach his pickup truck, which was parked in front of his camper beside the driveway to the Safeguard Storage Facility.

§ 87(2)(b) opened the door to his camper and spoke with PO Giglia and PO Slevin who told § 87(2)(b) that he could not legally park there. PO Giglia and PO Slevin advised § 87(2)(b) that they would come back in an hour to issue him summonses if he did not move his camper. PO Giglia allegedly told § 87(2)(b) that they would tow his camper if he did not move it by the time they returned (**Allegation A – Abuse of Authority: Threat to seize vehicle:** § 87(2)(g)).

Approximately two hours later, PO Slevin and PO Giglia returned to the dead-end of 204<sup>th</sup> Street. When they returned, § 87(2)(b)'s camper and his black truck were still parked in the same spot. PO Giglia wrote four summonses for § 87(2)(b) and allegedly threw the summonses on the floor of § 87(2)(b)'s camper (**Allegation B – Abuse of Authority: Discourtesy Action:** § 87(2)(g)). § 87(2)(b) was issued four summonses in relation to this incident for an unhitched trailer, for parking a commercial vehicle for more than three hours, for missing/improperly displayed plate, and for an expired registration sticker (**Board Review 08**). PO Slevin and PO Giglia did not activate their Body Worn Cameras the second time they spoke to § 87(2)(b). § 87(2)(g), § 87(4-b)

Body-worn camera footage was obtained from PO Slevin (**Board Review 10**) and PO Giglia (**Board Review 11**). However, body-worn camera footage was only obtained from the first interaction that PO Slevin and PO Giglia had with § 87(2)(b) but not, when they returned to issue him summonses. Footage from exterior cameras on the Safeguard Storage Facility was also obtained for the first interaction between § 87(2)(b) and the officers (**Board Review 12**), but did not capture the second interaction or any FADO allegations. § 87(2)(b)'s camper cameras were live feed only and did not record.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer John Giglia threatened to seize § 87(2)(b)'s vehicle.**

§ 87(2)(b) was interviewed at the CCRB on September 17, 2019 (**Board Review 01**). PO Giglia was interviewed on November 7, 2019 (**Board Review 02**). PO Slevin was interviewed on November 7, 2019 (**Board Review 03**).

In his sworn statement, § 87(2)(b) stated that he saw PO Giglia and PO Slevin approach his camper through the live-feed camera that captured the front area of his camper. § 87(2)(b) exited his camper and asked the officers what the problem was. PO Giglia and PO Slevin told § 87(2)(b) that he could not legally park his camper there and that he needed to move it. PO Giglia told § 87(2)(b) that they were going to come back in an hour and, if § 87(2)(b) had not moved then, they would issue him summonses and tow his camper. PO Giglia and PO Slevin left and then came back to the location and PO Giglia issued § 87(2)(b) four summonses. § 87(2)(b) parked both his

camper and his truck at the location continuously for multiple months because he believed that there were no parking restrictions.

PO Giglia stated that for the past two years, the 103<sup>rd</sup> Precinct has received multiple complaints about § 87(2)(b)'s camper and on the day of the incident, PO Giglia's supervisor, Lieutenant Jada, told him and PO Slevin to check on it. PO Giglia and PO Slevin went to where § 87(2)(b)'s camper was parked and told § 87(2)(b) that he could not legally park his camper there. PO Giglia and PO Slevin told § 87(2)(b) that they were going to come back and, if § 87(2)(b) had not moved then, they would issue him summonses. PO Giglia added that they would tow his camper if he did not move it. PO Giglia and PO Slevin left and came back to the location and PO Giglia issued § 87(2)(b) four summonses. At the time of the incident, PO Giglia believed that an individual was not allowed to park a trailer or camper in New York City after certain times. Additionally, he believed that a trailer could not be unhitched and that § 87(2)(b) was in violation of parking a commercial vehicle overnight in a residential area. PO Giglia believed that a camper was legally a commercial vehicle and that it could not drive on any parkways.

PO Slevin's statement was generally consistent with that of PO Giglia, but PO Slevin did not know the exact law regarding parking a camper in that area. PO Slevin believed that you could not park a camper on a business street, however, he did not know the exact law.

Body-worn camera from both PO Giglia (**Board Review 11**) and PO Slevin (**Board Review 10**) did not capture PO Giglia threatening to tow § 87(2)(b)'s camper. Both PO Giglia and PO Slevin's body-worn camera, however, capture PO Giglia and PO Slevin advising § 87(2)(b) that his camper was not parked legally.

When PO Giglia and PO Slevin returned to the location, PO Giglia wrote two summonses for the camper; one summonses, summonses number 146011526-0, was for violating Code 85 of the New York City Traffic Rules for parking a commercial vehicle for more than three hours, the other summonses, summonses number 146011537-5, was for violating Code 66 of the New York City Traffic Rules for an unhitched trailer (**Board Review 08**).

According to Section 10-127 of the New York City Administrative Code, a commercial vehicle is defined as, "any vehicle, either horse drawn or motor driven, used, constructed or equipped for the transportation of goods, wares or merchandise in trade or commerce" (**Board Review 09**).

According to Title 34, Section 4-08(k)(5) of the New York City Municipal Code, the street storage of commercial vehicles is prohibited. When parking is not otherwise restricted, no person shall park a commercial vehicle in any area, including a residential area, in excess of three hours (**Board Review 04**).

According to Title 34, Section 4-08(m)(8) of the New York City Municipal Code, the street storage of boat trailers, mobile homes and mobile medical diagnostic vehicles is prohibited, and, no person shall park any boat trailer (with or without boat attached), mobile home or mobile diagnostic vehicle in any area, on any street, in excess of 24 hours (**Board Review 04**).

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§ 87(2)(b), § 87(2)(g)

**Allegation B – Discourtesy: Police Officer John Giglia acted discourteously towards** § 87(2)(b)

It was undisputed that § 87(2)(b) received four summonses in relation to this incident and that PO Giglia wrote those four summonses. It was also undisputed that PO Giglia and PO Slevin did not turn on their body-worn cameras when they went back to 204<sup>th</sup> Street to issue § 87(2)(b) the summonses and the allegation was not captured by any of the security footage.

In his sworn statement, § 87(2)(b) stated that when PO Giglia and PO Slevin returned to 204<sup>th</sup> Street, that PO Giglia knocked on his door, which he opened, and that PO Giglia immediately threw the summonses on the floor of his camper. § 87(2)(b) stated that PO Giglia never attempted to hand him the summonses and § 87(2)(b) did not refuse to take them.

In his interview, PO Giglia stated that he did not see § 87(2)(b) when he and PO Slevin initially returned and that he left the two summonses he wrote for § 87(2)(b)'s camper between the screen door and the side door of § 87(2)(b)'s camper, and that he left the additional two summonses on the windshield of § 87(2)(b)'s truck. PO Giglia only saw § 87(2)(b) walk out of his camper as he was entering the police vehicle to leave.

PO Slevin's statement was generally consistent with PO Giglia, but he did not know if he spoke with § 87(2)(b) when he and PO Giglia returned to issue summonses and he did not know how the summonses were given to § 87(2)(b). PO Slevin did not know if PO Giglia threw the summonses on the floor of § 87(2)(b)'s camper.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)  
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§ 87(2)(b), § 87(2)(g), § 87(4-b)  
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### Civilian and Officer CCRB Histories

- § 87(2)(b) [Redacted]  
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  - § 87(2)(b) [Redacted]  
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- PO John Giglia has been a member of service for five years and has been a subject in two previous CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)  
[Redacted]  
[Redacted]

- PO Timothy Slevin has been a member of service for five years and has been a subject in three previous CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office, a Notice of Claim has not been filed by § 87(2)(b)
- § 87(2)(b)

Squad No.: 10

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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